

SHREWSBURY POLICE DEPARTMENT



**Underage
Drinking
It's Illegal!**

Laws Relating to Underage Drinking

M.G.L.A. 138 §34C Persons Under Certain Age in possession of alcoholic beverages

- ◆ Any person under twenty-one years of age
- ◆ Who possesses, transports, or carries any alcoholic beverage
- ◆ May be arrested
- ◆ A conviction shall be reported to the Registry of Motor Vehicles
- ◆ License shall be suspended for ninety days

M.G.L.A. 90 §24 Driving while under influence of intoxicating liquor

- ◆ Whoever operates on a public way or in any place to which the members of the public have access
- ◆ May be arrested
- ◆ Shall have the right to a Breath test or blood test
- ◆ Refusal of breath test — license shall be suspended for 120 days
- ◆ If person under 21 — license will be suspended if breath test .02 or higher
- ◆ If breath test is .05 - .07 there shall be no permissible inference
- ◆ If breath test is .08 or higher, there shall be a permissible inference of operating under the influence
- ◆ If person is under 21 years of age, Police Officer shall:
 - ◆ Immediately take custody of the driver's license.
 - ◆ Report to the Registry of Motor Vehicles
 - ◆ Registry shall suspend for ninety days

M.G.L.A. 90 sec 24P Administrative Penalties for Person Under Age 21 Drinking and Driving

- ◆ If a person is under 21 years of age
- ◆ If arrested or person is .02 or greater
- ◆ Or refused breath test
- ◆ License shall be suspended for 180 days
- ◆ If under 18 — one year suspension
- ◆ These penalties are in addition to any penalty imposed by the court.

Non-Criminal Procedures and Rights

M.G.L.A. 111 §8 Incapacitated Persons: Assistance to facility or protective custody

- ◆ Any incapacitated person may be taken to his residence, a facility or police station
- ◆ Police may request person to submit to reasonable tests of coordination, coherency, speech and breath
- ◆ Any person shall have the right to a breathalyzer test
- ◆ If percentage of blood alcohol is less than .05, said person shall be released
- ◆ Any person held shall have the right to make a phone call
- ◆ The parent or guardian of a person under 18 shall be notified
- ◆ **A person held in Protective Custody shall not be considered to have been arrested**

Other Rights . . .

M.G.L.A. 276 §33A Right to use a Telephone by Person Held in Custody

- ◆ A person held in custody shall be permitted to use the phone within one hour of arrival at a police station to communicate with his family or friends, to arrange bail, or to contact an attorney.

M.G.L.A. 263 Sec 5A Rights to a Doctor

- ◆ A person charged with operating under the influence of liquor shall have the right to be examined by a physician selected by him at his expense.

Drinking or Possessing Open Container of Alcoholic Beverages in Prohibited Public Places

Shrewsbury Town By-Law Article 16

- ◆ No person shall drink any alcoholic beverage
- ◆ Nor have in his possession any open alcoholic container
- ◆ Upon any public land
- ◆ Or private land without consent of owner
- ◆ **Police may arrest any person who violates this section**
- ◆ \$50.00 fine for each offense

These summaries of Massachusetts General Law (MGL) have been edited for ease of reading. You may obtain a complete copy of the law from any library, the Commonwealth of Massachusetts web site at www.magnet.state.ma.us./legis/laws/mgl/index.htm, or the Shrewsbury Police Department Web Page at www.ci.shrewsbury.ma.us

Vehicle Searches

◆ CONSENT SEARCHES

If an officer asks your permission to search your vehicle, you have the right to refuse.

◆ PROBABLE CAUSE SEARCHES

A Police officer may be aware of certain information that legally allows a search of your vehicle without your permission.

**For More Information
Visit the Shrewsbury
Police Department Website
www.ci.shrewsbury.ma.us**

Did You Know . . .

◆ Persons Under Certain Age

Any person under twenty-one years of age who possesses, transports or carries any alcoholic beverage may be arrested. A conviction shall be reported to the Registry of Motor Vehicles and the driver's license shall be suspended for ninety days.

◆ Incapacitated persons may be taken into protective custody

A person incapacitated due to drugs or alcohol may be taken into police custody and held for up to 12 hours.

◆ The Police Department routinely shares information with the School Department and High School, including arrests and protective custody of students.

Any underage person involved with liquor should also consider other possible sanctions.

- ◆ Arrest or court summons.
- ◆ Registry of Motor Vehicles
Administrative License Suspension
- ◆ Board of Probation Record
- ◆ Local Police Record
- ◆ Parental discipline
- ◆ School discipline and sports sanctions
- ◆ Future job applications
- ◆ College applications

Our Commitment

The Shrewsbury Police Department is committed to working with all of our community members on the problem of underage drinking. While we recognize that we will not be able to stop underage drinking, we take seriously our legal responsibility to enforce existing laws and our duty to protect innocent persons from the devastating injuries caused by alcohol use.

This pamphlet does not constitute legal advice

“THINK Before You DRINK”



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